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ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/28/2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GABRIELA LOPES CHAVEZ, et al.,

Plaintiffs,

-against-

BESOS RESTAURANT BAR & LOUNGE
CORP, et al.,

Defendants.

23-CV-9196 (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

The Court has received and reviewed the parties' joint letter-motion dated October 24, 2024 (Jt. Ltr.) (Dkt. 28), seeking approval of their Settlement and Release Agreement (Dkt. 28-1) pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d. Cir. 2015).

Plaintiff's counsel seeks a fee award \$6,660 (33.3% of the \$20,000 settlement total). However, plaintiff does not provide the documentation necessary for the Court to review the proposed fee award. Because this Court's fairness review "extends to the reasonableness of attorneys' fees and costs," *Fisher v. SD Protection, Inc.*, 948 F. 3d 593, 606 (2d Cir. 2020), any proposed award of fees and costs must be memorialized in the written settlement agreement **and** supported by copies of counsel's contingency fee agreement (if any) and time and expense records, properly authenticated. *Id.* at 600.

Consequently, plaintiff's counsel may submit copies of any contingency fee agreement and contemporaneous time records no later than **November 4, 2024**.

Dated: New York, New York
October 28, 2024

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge